

JOURNAL OF THE SENATE

NINETIETH SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 18, 2015

The Senate convened at 2:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. J. P. Mosley, Jr., followed by the Pledge of Allegiance led by Senate pages Avery Del Grosso and Logan Larsen.

Roll Call: All members present except Sens. Greenfield (Brock) and Peterson (Jim) who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1

2

3

4

6

9

10

14

15

18

19

22

24

25

29

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Pat Costello, Lincoln County, Sioux Falls, South Dakota, to the position of Commissioner of the Governor's Office of Economic Development.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Commerce and Energy.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Andy Gerlach, Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Revenue.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Taxation.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Marcia Hultman, Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Labor and Regulation.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Commerce and Energy.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Larry Zimmerman, Pennington County, Rapid City, South Dakota, to the position of Secretary of the Department of Veterans Affairs.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on State Affairs.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Steven Pirner, Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Environment and Natural Resources.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Agriculture and Natural Resources.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Gloria Pearson, Yankton County, Yankton, South Dakota, to the position of Secretary of the Department of Human Services.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Health and Human Services.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Laurie Gill, Hughes County, Pierre, South Dakota, to the position of Commissioner of the Bureau of Human Resources.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Appropriations.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Lucas Lentsch, Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Agriculture.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the reappointment to the Committee on Agriculture and Natural Resources.

January 20, 2015

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have reappointed Melody Schopp, Perkins County, Meadow, South Dakota, to the position of Secretary of the Department of Education.

This reappointment was effective January 12, 2015.

Sincerely,
Dennis Dugaard
Governor

The President announced the referral of the reappointment to the Committee on Education.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that SB 22 was delivered to his Excellency, the Governor, for his approval at 9:25 a.m., February 18, 2015.

Also MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 16, 40, 77, and 85 and finds the same correctly enrolled.

Respectfully submitted,
Corey Brown, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1081 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1136 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Bob Ewing, Chair

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration HB 1080 and 1089 and returns the same with the recommendation that said bills
4 do pass.

5 Respectfully submitted,
6 Bruce Rampelberg, Chair

7 Also MR. PRESIDENT:

8 The Committee on State Affairs respectfully reports that it has had under consideration
9 SB 141, 142, and 191 and returns the same with the recommendation that said bills do pass.

10 Also MR. PRESIDENT:

11 The Committee on State Affairs respectfully reports that it has had under consideration
12 SJR 2 which was deferred to the 41st Legislative Day.

13 Respectfully submitted,
14 Tim Rave, Chair

15 **MESSAGES FROM THE HOUSE**

16 MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has adopted the Joint Select
18 Committee report relative to making arrangements for a joint session to hear the message of the
19 Canadian Consul General.

20 Also MR. PRESIDENT:

21 I have the honor to return herewith SB 16, 40, 77, and 85 which have passed the House
22 without change.

23 Also MR. PRESIDENT:

24 I have the honor to transmit herewith HB 1030, 1105, 1139, 1161, and 1194 and HJR 1002
25 and HJR 1003 which have passed the House and your favorable consideration is respectfully
26 requested.

27 Respectfully,
28 Arlene Kvislen, Chief Clerk

1

MOTIONS AND RESOLUTIONS

2

Sen. Rave moved that SB 109 be placed to follow SB 131 on today's calendar.

3

Which motion prevailed.

4

CONSIDERATION OF REPORTS OF COMMITTEES

5

Sen. Rave moved that the reports of the Standing Committees on

6

Judiciary on SB 186 as found on page 404 of the Senate Journal; also

7

Agriculture and Natural Resources on SB 2 as found on page 406 of the Senate Journal;

8

also

9

Agriculture and Natural Resources on SB 3 as found on page 407 of the Senate Journal be

10

adopted.

11

Which motion prevailed.

12

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

13

HB 1030: FOR AN ACT ENTITLED, An Act to provide certain restrictions regarding the

14

passing of a bicycle.

15

Was read the first time and referred to the Committee on Transportation.

16

HB 1105: FOR AN ACT ENTITLED, An Act to provide for an affidavit creating a

17

rebuttable presumption that a person is not an employee for purposes of workers' compensation

18

and to provide a penalty therefor.

19

Was read the first time and referred to the Committee on State Affairs.

20

HB 1139: FOR AN ACT ENTITLED, An Act to revise certain procedures for competitive

21

sealed bids by public purchasing agencies.

22

Was read the first time and referred to the Committee on Local Government.

HB 1161: FOR AN ACT ENTITLED, An Act to limit certain rule making authority of the South Dakota High School Activities Association.

Was read the first time and referred to the Committee on Education.

HB 1194: FOR AN ACT ENTITLED, An Act to set a minimum size for a sign about zoning changes or conditional use permits.

Was read the first time and referred to the Committee on Local Government.

HJR 1002: A JOINT RESOLUTION, making a formal application to the President of the United States, that the President grant a presidential pardon to Peter L. Larson.

Was read the first time and referred to the Committee on Judiciary.

HJR 1003: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to Article XIV of the Constitution of the State of South Dakota, relating to the authority of the Board of Regents.

Was read the first time and referred to the Committee on State Affairs.

SECOND READING OF CONSENT CALENDAR ITEMS

HB 1076: FOR AN ACT ENTITLED, An Act to permit the submission of a title insurance policy in lieu of an abstract in certain instances.

Was read the second time.

The question being "Shall HB 1076 pass?"

And the roll being called:

Yeas 31, Nays 0, Excused 4, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

Excused:

Greenfield (Brock); Peters; Peterson (Jim); Tidemann

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1099: FOR AN ACT ENTITLED, An Act to revise certain provisions related to
4 transferable interests in limited liability partnerships.

5 Was read the second time.

6 The question being "Shall HB 1099 pass?"

7 And the roll being called:

8 Yeas 31, Nays 0, Excused 4, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
13 Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peters; Peterson (Jim); Tidemann

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1119: FOR AN ACT ENTITLED, An Act to revise certain adoption proceedings
19 regarding the adult adoption of biological children.

20 Was read the second time.

21 The question being "Shall HB 1119 pass?"

22 And the roll being called:

23 Yeas 31, Nays 0, Excused 4, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
26 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
28 Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Greenfield (Brock); Peters; Peterson (Jim); Tidemann

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1178: FOR AN ACT ENTITLED, An Act to provide for the creation of an entity for
4 the purpose of insurance contracts in certain instances.

5 Was read the second time.

6 The question being "Shall HB 1178 pass?"

7 And the roll being called:

8 Yeas 31, Nays 0, Excused 4, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
13 Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peters; Peterson (Jim); Tidemann

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 regulation of captive insurance companies.

20 Was read the second time.

21 The question being "Shall HB 1180 pass?"

22 And the roll being called:

23 Yeas 31, Nays 0, Excused 4, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
26 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
28 Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Greenfield (Brock); Peters; Peterson (Jim); Tidemann

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 95: FOR AN ACT ENTITLED, An Act to revise provisions related to human
5 trafficking.

6 Was read the second time.

7 The question being "Shall SB 95 pass as amended?"

8 And the roll being called:

9 Yeas 31, Nays 0, Excused 4, Absent 0

10 Yeas:

11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
12 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
13 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
14 Solano; Sutton; Tieszen; Van Gerpen; Vehle; White

15 Excused:

16 Greenfield (Brock); Peters; Peterson (Jim); Tidemann

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 President declared the bill passed and the title was agreed to.

19 SB 152: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
20 related to mountain pine beetle suppression and to declare an emergency.

21 Was read the second time.

22 The question being "Shall SB 152 pass as amended?"

23 And the roll being called:

24 Yeas 32, Nays 1, Excused 2, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
27 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
28 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt;
29 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Nays:

2 Peters

3 Excused:

4 Greenfield (Brock); Peterson (Jim)

5 So the bill having received an affirmative vote of a two-thirds majority of the members-
6 elect, the President declared the bill passed and the title was agreed to.

7 SB 174: FOR AN ACT ENTITLED, An Act to make an appropriation for the Ross Shaft
8 at the Sanford Underground Research Facility and to declare an emergency.

9 Was read the second time.

10 The question being "Shall SB 174 pass as amended?"

11 And the roll being called:

12 Yeas 31, Nays 2, Excused 2, Absent 0

13 Yeas:

14 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haverly; Heineman
15 (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup
16 (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch; Soholt;
17 Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

18 Nays:

19 Hagggar (Jenna); Sutton

20 Excused:

21 Greenfield (Brock); Peterson (Jim)

22 So the bill having received an affirmative vote of a two-thirds majority of the members-
23 elect, the President declared the bill passed and the title was agreed to.

24 SB 177: FOR AN ACT ENTITLED, An Act to establish a youth minimum wage.

25 Was read the second time.

26 The question being "Shall SB 177 pass?"

27 And the roll being called:

28 Yeas 26, Nays 7, Excused 2, Absent 0

1 Yeas:

2 Brown; Cammack; Curd; Ewing; Hagggar (Jenna); Haverly; Heineman (Phyllis); Holien; Jensen
3 (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Peters;
4 Rampelberg; Rave; Rusch; Soholt; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

5 Nays:

6 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Sutton

7 Excused:

8 Greenfield (Brock); Peterson (Jim)

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 Sen. Rave moved that SB 131, 109, 192, 159, 91, and 92 and HB 1130, 1085, 1055, 1058,
12 1059, 1063, 1043, 1057, 1051, and 1013 be deferred to Thursday, February 19, the 24th
13 legislative day.

14 Which motion prevailed.

15 **SIGNING OF BILLS**

16 The President publicly read the title to

17 SB 16: FOR AN ACT ENTITLED, An Act to revise certain provisions safeguarding law
18 enforcement radio communications.

19 SB 40: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 federal motor carrier regulations.

21 SB 77: FOR AN ACT ENTITLED, An Act to allow nursing mothers to breastfeed in
22 certain locations.

23 SB 85: FOR AN ACT ENTITLED, An Act to repeal certain requirements regarding the
24 handlebar height on motorcycles.

25 HB 1035: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
26 military specialty plates.

27 HB 1091: FOR AN ACT ENTITLED, An Act to require that the minutes of meetings of
28 any state board or commission include a record of how each individual member voted on certain
29 motions.

1 HB 1098: FOR AN ACT ENTITLED, An Act to authorize extended terms of lease for
2 airport facilities.

3 And signed the same in the presence of the Senate.

4 Sen. Curd moved that the Senate do now adjourn, which motion prevailed and at 4:09 p.m.
5 the Senate adjourned.

6 Kay Johnson, Secretary

7 **JOINT SESSION**

8 Pursuant to the report of the Joint-Select Committee, as found on page 390 of the Senate
9 Journal, the Senate and the House of Representatives met in informal joint session at 2:00 p.m.
10 in the House Chamber for the purpose of receiving a message from the Canadian Consul
11 General, Jamshed Merchant.

12 At the conclusion of the message, Lt. Governor Michels moved that the Joint Session do
13 now dissolve.

14 Which motion prevailed.